

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--|---|---------------|
| ASHLEY SUMMERS, individually and on behalf of all others similarly situated |) | No. 3-13-0439 |
| |) | |
| v. |) | |
| |) | |
| FIRST STATE BANK |) | |

CASE MANAGEMENT ORDER # 2

By contemporaneously entered order, the Court has approved and entered the parties' proposed initial case management order, with modifications addressed at the initial case management conference held on August 9, 2013. Those modifications and other matters addressed on August 9, 2013, are as follows:

1. Any motion to amend the pleadings shall be filed by September 3, 2013.
2. The contemporaneously entered order provides that the parties shall complete all written discovery and depose all fact witnesses by March 10, 2014. That means that all written discovery shall be served in sufficient time so that responses will be served by March 10, 2014.
3. The defendant shall have until December 30, 2013, to serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure.
4. The plaintiff shall have until January 29, 2014, to serve rebuttal expert disclosures.
5. Any discovery motions shall be filed no later than March 24, 2014. Alternatively, counsel shall, by no later than March 24, 2014, schedule a telephone conference call with the Court to address any discovery issue or dispute.
6. The time for the plaintiff to file a motion for class certification, as provided in Local Rule 23.01(b), is extended to 10, 2014. Any response shall be filed within 28 days of the filing of the motion or by May 8, 2014, if the motion is filed on April 10, 2014. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by May 22, 2014, if the response is filed on May 8, 2014.

No other filings in support of or in opposition to the plaintiff's anticipated motion for class certification shall be made after May 22, 2014, except with the express permission of the Honorable Todd J. Campbell.

7. Any dispositive motion shall be filed by April 10, 2014.¹ Any response shall be filed within 28 days of the filing of the motion or by May 8, 2014, if the motion is filed on April 10, 2014. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by May 22, 2014, if the response is filed on May 8, 2014.

Memoranda in support of or in opposition to any dispositive motion shall not exceed 25 pages.


No other filings in support of or in opposition to any dispositive motion shall be made after May 22, 2014, except with Judge Campbell's express permission.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

There shall be no stay of discovery before the March 10, 2014, deadline for completion of fact and expert discovery even if a dispositive motion is filed prior thereto.

In light of the deadlines provided above and counsel's already-scheduled commitments, it is recommended that a jury trial be scheduled no earlier than September 9, 2014.² The parties estimate that the trial will last three (3) days.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

¹ The defendant may file an earlier motion to dismiss for mootness.

² The attorneys have conflicts between October 6, 2014, and October 24, 2014, but are available the weeks of September 9, 2014, September 16, 2014, September 23, 2014, and September 30, 2014, and from October 28, 2014, forward.